

EXHIBIT D

BURSOR & FISHER, P.A.

Neal Deckant (State Bar No. 322946)
1990 North California Blvd., Suite 940
Walnut Creek, CA 94596
Telephone: (925) 300-4455
Facsimile: (925) 407-2700
E-mail: ndeckant@bursor.com

Attorneys for Plaintiffs

Additional Attorneys on Signature Page

GEORGE FELDMAN MCDONALD, PLLC

Lori G. Feldman (*pro hac vice*)
Michael Liskow (State Bar No. 243899)
102 Half Moon Bay Drive
Croton on Hudson, NY 10520
Telephone: (917) 983-9321
lfeldman@4-justice.com
mliskow@4-justice.com
e-service@4-justice.com

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

MARY SMITH et al., individually and on
behalf of all others similarly situated,

Plaintiffs,

v.

GOOGLE, LLC,

Defendant

Case No. 5:23-cv-03527-PCP
(Consolidated with 5:23-cv-04191-PCP)

**PLAINTIFFS' FIRST SET OF
DOCUMENT REQUESTS,
INTERROGATORIES, AND REQUESTS
FOR ADMISSIONS TO DEFENDANT
GOOGLE, LLC**

DEFINITIONS

All undefined terms and phrases should be construed with reason and common sense in attributing ordinary definitions to them and should not be deliberately misconstrued or narrowly construed to supply an evasive answer. Specific definitions are as follows:

1. “CLASS PERIOD” means the day YOU first received WEBSITE VISITOR DATA from any of the SUBJECT WEBSITES through the present.

2. “GOOGLE” means defendant Google, LLC, its present and former officers, directors, and employees, predecessors and successors, parents, subsidiaries, divisions, subdivisions, affiliates, agents, representatives, accountants, and attorneys, and ALL of the persons acting on its behalf.

3. “GOOGLE ANALYTICS” means the Google product at issue in the REPORT and includes but is not limited to the Google Tag and any other related technology that resulted in the transmission of data from the SUBJECT WEBSITES to GOOGLE.

4. The “REPORT” means *Attacks on Tax Privacy: How the Tax Prep Industry Enabled Meta to Harvest Millions of Taxpayers’ Sensitive Data*, issued in July 2023, and which YOU used as a demonstrative during the hearing on YOUR motion to dismiss.

5. “SUBJECT WEBSITES” means any website that customers of H&R Block, TaxAct, and TaxSlayer can use to prepare and/or file their taxes online with those companies.

6. “WEBSITE VISITOR DATA” means all information about visitors to the SUBJECT WEBSITES received by YOU through the implementation or integration of GOOGLE ANALYTICS, including all information concerning online tax preparation and tax filings.

7. “YOU” or “YOUR” mean GOOGLE.

REQUESTS FOR PRODUCTION

1. All documents that YOU contend support any affirmative defense YOU assert in this case.

2. All documents referenced in YOUR initial disclosures pursuant to F.R.C.P. 26(a)(1)(ii).

3. All raw data that YOU received from the SUBJECT WEBSITES during the CLASS PERIOD via GOOGLE ANALYTICS. If this data is available in csv or similar structured data

format, please produce it in that format.

4. All documents and communications discussing or referencing the transmission, from any website, of tax preparation or tax filing information to YOU, such as a website visitor's income, refund amounts, taxes owed, names of dependents, or any other information disclosed in connection with an online tax preparation or tax filing.

5. The REPORT describes interviews between GOOGLE officials and Congressional staffers on March 21, 2023 and March 22, 2023. *See id.*, fn. 73, 103. Please produce the following documents or materials concerning that interview:

i. All transcripts, notes, audio recordings, video recordings, or other contemporaneous records of those interviews.

ii. All communications and documents discussing or referencing either of those interviews, whether generated internally within GOOGLE or exchanged with third parties.

6. All documents concerning the letter from Google Vice President of Government Affairs and Public Policy, US and Canada, to Senator Elizabeth Warren, dated January 17, 2023.

INTERROGATORIES

1. Please identify, by the names commonly used within GOOGLE'S business, of all databases, logs, repositories, or other electronic sources where GOOGLE stores GOOGLE ANALYTICS data received from the SUBJECT WEBSITES.

2. For each of the SUBJECT WEBSITES, please identify the first and last dates YOU received GOOGLE ANALYTICS data.

3. Please identify all the schema or types of data that YOU received from the SUBJECT WEBSITES as a result of GOOGLE ANALYTICS during the CLASS PERIOD.

4. If YOUR response to Interrogatory No. 3 includes custom event data, please describe the nature of the custom event data, including whether that data contained information about tax filing or other financial information. For purposes of this request, "custom event" has the same meaning as the term is used in Google's Analytics Help FAQ, and as it was used on page 8 of the REPORT.

5. If YOU contend there were material changes to the schema or types of data YOU received from the SUBJECT WEBSITES via GOOGLE ANALYTICS during the CLASS PERIOD, please describe those changes and the dates they were implemented.

6. The REPORT describes interviews between GOOGLE officials and Congressional staffers on March 21, 2023 and March 22, 2023. *See id.*, fn. 73, 103. Please identify by name and job title each of YOUR officials, employees, representatives, or agents who attended one or both of those interviews or who otherwise communicated with Congressional staffers or other government officials regarding the subjects discussed in the interviews.

7. If YOU contend that the named Plaintiffs or any class members consented to the conduct at issue here, please identify by Bates Number each document that supports that contention.

REQUESTS FOR ADMISSION

1. Admit that GOOGLE ANALYTICS operates by installing code within the overall code of its users' websites. *See* REPORT at 6-7.

2. Admit that, once placed on a website, GOOGLE ANALYTICS downloads more code from GOOGLE that gathers information about website visitors and their activity on the website. *See* REPORT at 7-8.

3. Admit that when GOOGLE ANALYTICS is installed on a website, it collects certain information about a website's visitors by default, including browser language, browser type, user clicks, user downloads, form interactions, and page titles. *See* REPORT at page 8.

4. Admit that after GOOGLE ANALYTICS is installed on a website, it attempts to match each website visitor with GOOGLE's pre-existing profile of that visitor. *See* REPORT at 8.

5. Admit that GOOGLE retains the data collected through GOOGLE ANALYTICS on GOOGLE'S own servers. *See* REPORT at 8.

6. Admit that GOOGLE can use the data collected through GOOGLE ANALYTICS for GOOGLE's own advertising purposes. *See* REPORT at 8.

1 7. Admit that GOOGLE does use the data collected through GOOGLE ANALYTICS
2 for GOOGLE's own advertising purposes. *See* REPORT at 8.

3 8. Admit that GOOGLE gives website owners the ability to link their GOOGLE
4 ANALYTICS accounts to their Google Ads accounts. *See* REPORT at 8.

5 9. Admit that TaxSlayer linked its GOOGLE ANALYTICS account to its Google Ads
6 account.

7 10. Admit that TaxAct linked its GOOGLE ANALYTICS account to its Google Ads
8 account.

9 11. Admit that H&R Block linked its GOOGLE ANALYTICS account to its Google Ads
10 account.

11
12
13 Dated: July 9, 2024

14 By: /s/ Lori G. Feldman
15 Lori G. Feldman

16
17 **BURSOR & FISHER, P.A.**

18 Neal Deckant (State Bar No. 322946)
19 1990 North California Blvd., Suite 940
20 Walnut Creek, CA 94596
Telephone: (925) 300-4455
Facsimile: (925) 407-2700
E-mail: ndeckant@bursor.com

21 **GEORGE FELDMAN MCDONALD, PLLC**

22 Lori G. Feldman (*pro hac vice*)
23 Michael Liskow (State Bar No. 243899)
24 102 Half Moon Bay Drive
25 Croton-on-Hudson, NY 10520
26 Telephone: (917) 983-9321
27 Email lfeldman@4-justice.com
28 mliskow@4-justice.com
eservice@4-justice.com

SMITH KRIVOSHEY, P.C.

Joel D. Smith (State Bar No. 244902)
867 Boylston Street
5th Floor, #1520
Boston, MA 02116
Telephone: 617-377-7404
Email: joel@skclassactions.com

THE HODA LAW FIRM, PLLC

Marshal J. Hoda, Esq. (pro hac vice)
12333 Sowden Road, Suite B
Houston, TX 77080
Telephone: (832) 848-0036
Email: marshal@thehodalawfirm.com

FOSTER YARBOROUGH PLLC

Patrick Yarborough, Esq. (pro hac vice)
917 Franklin Street, Suite 220
Houston, TX 77002
Telephone: (713) 331-5254
Email: patrick@fosteryarborough.com

LOCKRIDGE GRINDAL NAUEN P.L.L.P.

Rebecca A. Peterson (241858)
Kate M. Baxter-Kauf (pro hac vice)
100 Washington Avenue South, Suite 2200
Minneapolis, MN 55401
Telephone: (612) 339-6900
Facsimile: (612) 339-0981
rkshelquist@locklaw.com
Email: rapeterson@locklaw.com
kmbaxter-kauf@locklaw.com

EMERSON FIRM, PLLC

John G. Emerson (pro hac vice)
2500 Wilcrest, Suite 300
Houston, TX 77042
Telephone: (800) 551-8649
Email: jemerson@emersonfirm.com

Attorneys for Plaintiffs and the Proposed Class

PROOF OF SERVICE

STATE OF NEW YORK, COUNTY OF WESTCHESTER

At the time of service, I was over 18 years of age and not a party to this action. I am employed in the County of Westchester, State of New York. My business address is 102 Half Moon Bay Drive, Croton-on-Hudson, NY 10520.

On July 9, 2024, I served true copies of the following document(s) described as **PLAINTIFFS' FIRST SET OF DISCOVERY REQUESTS, INTERROGATORIES, AND REQUESTS FOR ADMISSIONS TO DEFENDANT GOOGLE, LLC** on the interested parties in this action as follows:

SEE ATTACHED SERVICE LIST

BY EMAIL OR ELECTRONIC TRANSMISSION:

I caused a copy of the document(s) to be sent from e-mail address lfeldman@4-justice.com to the persons at the e-mail addresses listed in the Service List. I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct and that I am employed in the office of a member of the bar (*pro hac vice*) of this Court at whose direction the service was made.

Executed on July 9, 2024, at Croton-on-Hudson, New York.

/s/ Lori G. Feldman
Lori G. Feldman

SERVICE LIST

Simona Alessandra Agnolucci

Joshua Douglas Anderson

Yuhan Alice Chi

Anika Holland

Benedict Y. Hur

Eduardo E. Santacana

Naiara Toker

WILLKIE FARR & GALLAGHER LLP

333 Bush Street

San Francisco, CA 94104

Email: sagnolucci@willkie.com

jdanderson@willkie.com

ychi@willkie.com

aholland@willkie.com

bhur@willkie.com

esantacana@willkie.com

ntoker@willkie.com

Alexis Dorner

WILLKIE FARR & GALLAGHER LLP

1875 K Street NW

Washington, DC 20006

Email: adorner@willkie.com

Counsel for Defendant Google, LLC

Counsel for Defendant Google, LLC